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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

JUL 30 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO ATTENTION OF:
5HS-JCK-12

Re: General Die Casting Co., 13700 Mount Elliot Street,
Detroit, Wayne County, Michigan

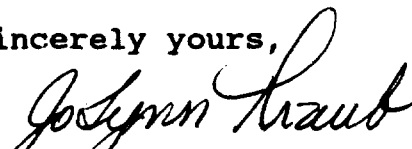
Dear Sir:

Enclosed please find a Unilateral Administrative Order issued by the U.S. Environmental Protection Agency (EPA) under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within seven (7) calendar days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within seven (7) calendar days of receipt of the Order.

If you have any questions regarding the Order, feel free to contact Jim Sias, Assistant Regional Counsel, at (312) 353-3112 or Robert Bowlus, On-Scene Coordinator, at (313) 692-7681.

Sincerely yours,

for 
David A. Ullrich, Director
Waste Management Division

Enclosure

cc: Michigan Department of Natural Resources Superfund
Coordinator

bcc: Tom Pernell, ORC (5CS-TUB3)
Jim Sias, ORC Attorney, ORC (5CS-TUB3)
Robert Bowlus, OSC, (GI)
Pamela Schafer, ESS (5HS-12)
Linda Beasley, ESS (5HS-12)
Oliver Warnsley, RP-CRU (5HS-TUB-7)
EERB Read
Toni Lesser, Public Affairs (5PA-14) w/out attachments
Sheila Huff, Department of Interior
Tony Audia (5MFS-14)
EERB Site File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

General Die Casting Co.
13700 Mount Elliot Street
Detroit, Wayne County, Mich.

Respondents:

Richard E. Shirley
General Die Casting Co.
William Aikens
Spartan Metal Finishing

) Docket No. **V-W- '91 -C- 109**
)
) ADMINISTRATIVE ORDER
) PURSUANT TO SECTION 106
) OF THE COMPREHENSIVE
) ENVIRONMENTAL RESPONSE,
) COMPENSATION, AND
) LIABILITY ACT OF 1980
) as amended, 42 U.S.C.
) Section 9606(a)
)
)

PREAMBLE

This Administrative Order (Order) is issued on this date to Respondents, Richard E. Shirley, William Aikens, and General Die Casting Co.

It is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Waste Management Division, Region V, by Regional Delegation 14-14-A and 14-14-B.

By copy of this Order the State of Michigan has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

This Order requires the Respondents to undertake and complete emergency removal activities to abate an imminent and substantial endangerment to the public health and welfare or the environment that may be presented by the actual or threatened release of hazardous substances at the site.

FINDINGS

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds:

1. The General Die Casting Company Site (Facility) is located at 13700 Mount Elliot Street, in the City of Detroit, Wayne County, Michigan.
2. The Facility is situated in an urban residential and light industrial area, near the intersection of Mt. Elliot Street and Akron Street.
3. From August, 1970 to December, 1988 the General Die Casting Company (Company) operated at 13700 Mt. Elliot Street as a plating facility. The Company manufactured and electroplated zinc die castings.
4. Among the chemicals and chemical compounds commonly used in electroplating operations are the following: nickel, lead, zinc, copper sulfides, chrome plating and cyanide compounds.
5. On or about January, 1991 a neighboring company, Central Steel and Wire, located at 13400 Mt. Elliot Street, became concerned about possible hazardous substance contamination at the Facility. It hired Gabriel Laboratories to sample and test the soil and ground water at the Facility.
6. The Gabriel laboratory test results revealed the presence of significant amounts of cyanide in the soil at the Facility.
7. Subsequent testing and evaluation was conducted by the Michigan Department of Natural Resources (MDNR) environmental laboratory on or about August 13, 1990. This testing confirmed the results reported to MDNR by Gabriel Laboratories. Cyanide concentrations in the soils adjacent to the building at the Facility ranged from 755-1673ppm. The MDNR testing also revealed the presence of elevated levels of arsenic, barium, chromium, copper, mercury, nickel, lead, selenium and zinc.
8. In a letter dated November 27, 1990, the MDNR directed Mr. Shirley to immediately conduct an additional investigation and take corrective actions at the Facility. This was done pursuant to the applicable provisions of the Michigan Environmental Response Act (1982 P.A. 307, as amended).

9. Jim Sias, Assistant Regional Counsel, visited the Facility on May 3, 1991, and found that Mr. Shirley has excavated and removed contaminated soils along the side exterior of the General Die Casting building that faces south toward Central Steel & Wire. Mr. Shirley has also fenced this area of contamination and backfilled the excavated soils with fresh fill. A sludge-like material, possibly containing hazardous substances, has also been largely removed from the interior of the building.

DETERMINATIONS

Based on the foregoing Findings, U.S. EPA has determined that:

1. General Die Casting Company is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).
2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).
3. William Aikens is the present "owner" and "operator" of the General Die Casting Company Facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. Section 9601(20). Richard E. Shirley is either a past owner or operator of the General Die Casting Company site, or arranged for disposal or transport for disposal of hazardous substances at the General Die Casting Company site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).
4. Cyanide is a "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).
5. Migration of cyanide off site constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).
6. The actual or threatened release of hazardous substances from the Facility may present an imminent and substantial endangerment to the public health, welfare, or the environment.
7. The actions required by this Order, if properly performed, are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, as amended, and CERCLA; and are reasonable and necessary to protect the public health, welfare and the environment.

8. The conditions present at the Facility constitute a threat to public health or welfare or the environment based upon consideration of the factors set forth in the NCP, Section 300.415(b)(2). These factors include, but are not limited to, the following:

- a. actual or potential exposure to hazardous substances by nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [40 C.F.R. 300.415 (b)(2)(i)];

This factor is present at the Facility due to the existence of cyanide compounds in the soil on the south side of the building (755-1673ppm). The soil also contains high levels of nickel, copper, lead, and zinc. It is probable that the area within the building's foundation walls is similarly contaminated. During the site visit workers were observed moving in and out of the building. Ambient air readings obtained using an organic vapor analyzer (OVA) were above those requiring level "B" protection in some areas of the building.

- b. hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release [40 C.F.R. 300.415 (b)(2)(iii)];

This factor is present at the Facility due to the existence of a large number of tanks and drums in the building which contain what appears to be plating wastewater. These containers may contain cyanide and heavy metals. Because of the value of the equipment containing the liquids they are likely to be dismantled which if not done properly could result in additional releases. This may have already occurred as evidenced by the presence of salt crystals and crusted materials within the diked treatment area.

- c. high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [40 C.F.R. 300.415 (b)(2)(iv)];

This factor is present at the Facility due to the existence of cyanide compounds spilled into collection sumps and onto the floor during the operation of the plant. Large amounts of contaminated soil on the south side of the building have already been removed. According to MDNR records this soil may have been sent out as nonhazardous fill. The area is also at a higher elevation than the local street so that any runoff is likely to spill into the street, surrounding properties, and the City of Detroit sewer system.

d. Threat of fire or explosion;

This factor is present at the Facility due to the existence of fire damage resulting from fires set by vandals. Physical inspection of the Facility revealed that electrical circuitry has also been stolen.

ORDER

Based upon the foregoing Findings and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby Ordered that Respondent(s) undertake the following actions at the Facility:

1. Within thirty (30) calendar days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval, a Work Plan for the removal activities ordered as set forth in Paragraph 4 below. The Work Plan shall provide a concise description of the activities to be conducted in order to comply with the requirements of this Order. The Work Plan shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify the Work Plan. Respondents shall implement the Work Plan as finally approved by U.S. EPA. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.
2. The Work Plan shall contain a site safety and health plan, a sampling and analysis plan, and a schedule of the work to be performed. The site safety and health plan shall be prepared in accordance with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910. The Work Plan and other submitted documents shall demonstrate that the Respondent can properly conduct the actions required by this Order.
3. Respondents shall retain a contractor qualified to undertake and complete the requirements of this Order, and shall notify U.S. EPA of the name of such contractor within fourteen (14) business days of the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, Respondents shall retain a different contractor to perform the work, and such selection shall be made within fifteen (15) calendar days following U.S. EPA's disapproval.

4. Within seven (7) calendar days after U.S. EPA approval of the Work Plan, Respondents shall implement the Work Plan as approved or modified by U.S. EPA. Failure of the Respondents to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order. The Work Plan shall require the Respondents to perform, and complete within one hundred-eighty (180) calendar days after approval, at a minimum, the following removal activities:
 - a. Implement a site safety and health plan.
 - b. Establish and provide site security until the cleanup is completed.
 - c. Provide treatment as required by this Order and applicable law and provide for disposal of approximately twenty-three (23) drums labeled "wastewater". Provide proper disposal either through sale, treatment, disposal, or rendering the contents nontoxic for four (4) drums labeled "uniprime (PPG Industries)".
 - d. Decontaminate all plant equipment, walls, ceilings, floors, trenches and drainage structures found throughout the site by methods specified in the Work Plan.
 - e. Develop and implement a hydro-geological study of the site and adjacent properties.
 - f. Arrange for treatment and properly dispose of the sludge around the waste treatment facility.
 - g. Arrange for treatment and properly dispose of the sludge/liquids and/or solids which may be found in the process treatment vats.
 - h. Sample and arrange for disposal of the partially opened, used and unused chemical materials presently stored at the Facility.
 - i. Determine the extent of contamination on the surface soils and in the subsoil at the Facility and on adjacent properties.
 - j. Arrange for treatment and disposal of contaminated soils found in the "extent of contamination study".

5. All materials containing hazardous substances, pollutants or contaminants removed pursuant to this Order shall be disposed of or treated at a facility approved by the On-Scene Coordinator and in accordance with the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. Section 6901, et seq., as amended, the U.S. EPA Revised Off-Site Policy, and all other applicable Federal, State, and local requirements.
6. On or before the effective date of this Order, the Respondents shall designate a Project Coordinator. To the greatest extent possible, the Project Coordinator shall be present on site or readily available during site work. U.S. EPA has designated Robert Bowlus of the Emergency and Enforcement Response Branch, Response Section I, as its On-Scene Coordinator. The On-Scene Coordinator and the Project Coordinator shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communication between the Respondents and the U.S. EPA, and all documents, reports and approvals, and all other correspondence concerning the activities relevant to this Order, shall be directed through the On-Scene Coordinator and the Project Coordinator.
7. The U.S. EPA and the Respondents shall each have the right to change their respective designated On-Scene Coordinator or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be verbal, but shall promptly be reduced to writing.
8. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or the Respondents at the facility.
9. No extensions to the above time frames shall be granted without sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA.
10. This Order and all instructions by the U.S. EPA On-Scene Coordinator or his designated alternate that are consistent with the National Contingency Plan and this Order shall be binding upon the Respondents.

11. To the extent that the Facility or other areas where work under this Order is to be performed is owned by, or in possession of, someone other than the Respondents, Respondents shall obtain all necessary access agreements. In the event that after using their best efforts Respondents are unable to obtain such agreements, Respondents shall immediately notify U.S. EPA. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as it deems appropriate.
12. Respondents shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples to monitor the work under this Order, and to conduct other activities which the U.S. EPA determines to be necessary.
13. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. Section 9601 et seq., or any other applicable law.
14. This Order shall be effective ten (10) calendar days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective on the fifth (5th) calendar day following the day of the conference unless modified in writing by U.S. EPA.
15. On or before seven (7) calendar days of the effective date of this Order, Respondents shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within five (5) calendar days. In the event any Respondents fail to provide such notice, those Respondents shall be deemed not to have complied with the terms of this Order.

16. Copies of all records and files relating to hazardous substances found on the site shall be retained by Respondents for six years following completion of the activities required by this Order and shall be made available to the U.S. EPA prior to the termination of the removal activities under this Order.
17. Respondents shall provide a written monthly progress report to the On-Scene Coordinator regarding the actions and activities undertaken under this Order. At a minimum, these progress reports shall describe the actions that have been taken to comply with this Order, including all results of sampling and tests received or prepared by the Respondents and shall describe all significant work items planned for the next month.
18. The Respondents shall submit a Final Report summarizing the actions taken to comply with this Order. The report shall contain, at a minimum: identification of the facility, a description of the locations and types of hazardous substances encountered at the facility upon the initiation of work performed under this Order, a chronology and description of the actions performed (including both the organization and implementation of response activities), a listing of the resources committed to perform the work under this Order (including financial, personnel, mechanical and technological resources), identification of all items that affected the actions performed under the Order and discussion of how all problems were resolved, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination of those materials, and a presentation of the analytical results of all sampling and analyses performed and accompanying appendices containing all relevant paperwork accrued during the action (e.g., manifests, invoices, bills, contracts, permits). The Final Report shall also include an affidavit from a person who supervised or directed the preparation of that report. The affidavit shall certify under penalty of law that based on personal knowledge and appropriate inquiries of all other persons involved in preparation of the report, the information submitted is true, accurate and complete to the best of the affiant's knowledge and belief. The report shall be submitted within 60 (sixty) calendar days of completion of the work required by the U.S. EPA.

19. All notices, reports and requests for extensions submitted under terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy Robert Bowlus
On-Scene Coordinator
U.S. EPA
Response Section I-5HSGI
9311 Groh Road
Grosse Ile, Michigan 48138

one copy James M. Sias
Assistant Regional Counsel
U.S. EPA (5CS-TUB-3)
230 South Dearborn Street
Chicago, Illinois 60604

20. If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 111 W. Jackson Blvd., Third Floor, Chicago, Illinois. Please contact Jim Sias, Assistant Regional Counsel, at (312) 353-3112 to review the Administrative Record. An index of the Administrative Record is attached hereto.

OPPORTUNITY TO CONFER

With respect to the actions required above, Respondents may within seven (7) calendar days after issuance of this Order, request a conference with the U.S. EPA. Any such conference shall be held within ten (10) calendar days from the date of request unless extended by mutual agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person, or be represented by an attorney or other representative. If any Respondent desires such a conference, the Respondent shall contact Jim Sias, Assistant Regional Counsel, at (312) 353-3112.

If such a conference is held, Respondents may present any evidence, arguments or comments regarding this Order, its applicability, any factual determinations upon which the Order is based, the appropriateness of any action which Respondents

are ordered to take, or any other relevant and material issue. Any such evidence, arguments or comments should be reduced to writing and submitted to U.S. EPA within three (3) calendar days following the conference. If no conference is requested, any such evidence, arguments or comments must be submitted in writing within seven (7) calendar days following the receipt of this Order. Any such writing should be directed to Jim Sias, Assistant Regional Counsel, at the address cited above.

Respondents are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the costs of those government actions.

PENALTIES FOR NONCOMPLIANCE

Respondents are advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject the Respondents to a civil penalty of no more than \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of Respondents to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

By: *David A. Ullrich*

David A. Ullrich, Director
Waste Management Division
United States Environmental
Protection Agency
Region V

July 30, 1991

**LIST OF RECEIPIENT'S
OF UNILATERAL ORDER**

**Richard E. Shirley
General Die Casting Co.
10750 Capital Avenue
Detroit, Michigan 48237-3140**

**William Aikens, President
Spartan Metal Finishing Co.
5400 Nevada Street
Detroit, Michigan 48234**

LIABILITY FILE INDEX

1. Title Search; February 5, 1991 and April 2, 1991; 84 pages.
2. Michigan Department of Natural Resources Complaint Investigation Activity Report; December 19, 1990; 34 pages.
3. Closing Book from the sale of General Die Casting to William Aikens; January, 11, 1989; 84 pages.
4. Richard E. Shirley's response to U.S. EPA's Notice of Potential Liability; January 28, 1991; 8 pages.

ADMINISTRATIVE RECORD
FOR
GENERAL DIE CASTING

February 1, 1991

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
00/00/00	File	File	Site Description	1
08/20/90	Sawyer, S. Gabriel Labs.	Fiala, R. Central Steel & Wire Co.	Course of action correspondence	2
11/01/90	Gabriel Labs.	Stenzel, M. MDNR	Remedial closure report correspon- dence	2
11/27/90	Oyinsan, D. General Die Casting	Shirley, D. MDNR	Denial of closure correspondence	2
12/20/90	Stenzel, M. MDNR	File	Incident Notifi- cation Report	2
01/09/91	Marsh, D. MacDonald & Goren	Stenzel, M., Bowlus, R., MDNR	Correspondence with deed documents	8
01/15/91	Bowden, R. EERB	Recipients	General Notice of Potential Liability	7
01/18/91	Langer, H. E & E	USEPA	Site Assessment	10
02/21/91	Andrews, F., Miller, Canfield, Paddock, and Stone	Beasley, L., EERB	Response to General Notice Letter	2
00/00/91			Action Memo (Pending)	